

GENERAL SERVICES ADMINISTRATION (GSA) – Regulatory Plan – October 2019

GSA oversees the business of the Federal Government. GSA's acquisition solutions supply Federal purchasers with cost-effective, high-quality products, and services from commercial vendors. GSA provides workplaces for Federal employees and oversees the preservation of historic Federal properties. GSA helps keep the nation safe and efficient by providing tools, equipment, and non-tactical vehicles to the U.S. military, and providing state and local governments with law enforcement equipment, firefighting and rescue equipment, and disaster recovery products and services.

GSA serves the public by delivering products and services directly to its Federal customers through the Federal Acquisition Service (FAS), the Public Buildings Service (PBS), and the Office of Government-wide Policy (OGP). GSA has a continuing commitment to its Federal customers and the U.S. taxpayers by providing those products and services in the most cost-effective manner possible.

Federal Acquisition Service (FAS)

FAS is the lead organization for procurement of products and services (other than real property) for the Federal Government. The FAS organization leverages the buying power of the Government by consolidating Federal agencies' requirements for common goods and services. FAS provides a range of high-quality and flexible acquisition services to increase overall Government effectiveness and efficiency by aligning resources around key functions.

Public Buildings Service (PBS)

PBS is the largest public real estate organization in the United States. As the landlord for the civilian Federal Government, PBS acquires space on behalf of the Federal Government through new construction and leasing, and acts as a manager for Federal properties across the country. PBS is responsible for over 370 million rentable square feet of workspace for Federal employees, owns 1,600 plus assets totaling over 180 million rentable square feet, and contracts for more than 7,000 plus leased assets totaling over 180 million rentable square feet.

Office of Government-wide Policy (OGP)

OGP sets Government-wide policy in the areas of personal and real property, mail, travel, relocation, transportation, information technology, regulatory information, and the use of Federal advisory

committees. OGP also helps direct how all Federal supplies and services are acquired as well as GSA's own acquisition programs.

OGP's policy regulations are described in the following subsections:

Office of Asset and Transportation Management - Federal Travel Regulation

The Federal Travel Regulation (FTR) enumerates travel and relocation policy for all U.S. Code, Title 5 Executive agency employees at www.gpoaccess.gov/cfr. Federal Register publications and complete versions of the FTR are available at www.gsa.gov/fttr. The Federal Travel Regulation presents policies in a clear manner to both agencies employees to assure that official travel is performed responsibly.

Office of Asset and Transportation Management - Federal Management Regulation

The Federal Management Regulation (FMR) establishes policy for Federal aircraft management, mail management, transportation, personal property, real property, and committee management. The FMR is the successor regulation to the Federal Property Management Regulation (FPMR), and it contains updated regulatory policies originally found in the FPMR. However, it does not contain FPMR material that describes how to do business with GSA. The FMR is in 41 CFR, chapters 101 through 102, and it implements statutory requirements and executive branch policies.

Office of Acquisition Policy - General Services Administration Acquisition Manual (GSAM) and General Services Administration Acquisition Regulation (GSAR)

GSA's internal rules and practices on how it buys goods and services from its business partners are covered by the General Services Administration Acquisition Manual (GSAM), which implements and supplement the Federal Acquisition Regulation at GSA. The GSAM comprises both a non-regulatory portion (GSAM), which reflects policies with no external impact, and a regulatory portion, the General Services Administration Acquisition Regulation (GSAR). The GSAR establishes agency acquisition regulations that affect GSA's business partners (e.g., prospective offerors and contractors) and acquisition of leasehold interests in real property. The latter are established under the authority of 40 U.S.C. 585, et seq. The GSAR implements contract clauses, solicitation provisions, and standard forms that control the relationship between GSA and contractors and prospective contractors.

Regulatory and Deregulatory Activities

In response to Executive Order 13777, GSA established a Regulatory Reform Task Force with four informal working groups organized around the agency's primary functions and regulations: the Federal Management Regulation, the Federal Travel Regulation, the GSA Acquisition Regulation, and policies relating to leasing of real property. These groups reviewed and evaluated existing policies and regulations, and identified items that could be repealed, replaced or modified to reduce burden and make it easier to do business with GSA.

While GSA did complete several reform activities during Fiscal Year 2019, none of the activities qualified as regulatory or deregulatory actions per Executive Order 13771 since they were all related to agency management or were not considered significant.

Regulatory and Deregulatory Priorities for Fiscal Year 2020

Federal Permitting Improvement Steering Council (FPISC) Priorities

FPISC Case 2018-001, Fees for Governance, Oversight and Processing of Environmental Reviews and Authorizations. GSA is issuing a final rule to establish a fee structure to reimburse the Federal Permitting Improvement Steering Council and its Office of the Executive Director for reasonable costs incurred in coordinating environmental reviews and authorizations in implementing title 41 of the Fixing America's Surface Transportation Act. GSA will amend this regulation on behalf of the Federal Permitting Improvement Steering Council.

Federal Management Regulation (FMR) Priorities

FMR Case 2019-101-01; Replacement of Personal Property Pursuant to the Exchange/Sale Authority, will revise and improve the policy allowing agencies to exchange or sell items of personal property in order to obtain needed replacement assets, offsetting the cost of acquiring new assets through a new procurement. The GAO review 19-33 highlighted several areas of improvement that could make this acquisition authority even more beneficial to agencies.

- FMR Case 2018-102-7, Supply and Procurement; FPMR Subchapter E Migration To FMR, will simplify, improve, and migrate the policy regarding supply and procurement from the FPMR Subchapter E to the FMR. The migration will include revising the format to plain language, question-and-answer format policy

Federal Travel Regulation (FTR) Priorities

FTR Case 2019-301-2, Clarification of Payment In-Kind for Speakers at Meetings and Similar Functions.

GSA is amending the FTR by changing the definition of “payment in kind.” The new definition provides that a waived or discounted registration fee provided by the non-Federal sponsor of a meeting or similar function would not be a payment in kind to the agency for the day(s) an employee speaks, participates in a panel, or presents at the event.

General Services Administration Acquisition Regulation (GSAR) Priorities

- GSAR Case 2015-G506, Adoption of Construction Project Delivery Method Involving Early Industry Engagement, will adopt the construction manager as constructor (CMc) project delivery method. CMc allows for early industry engagement by construction contractors to enable reduced cost growth, reduced schedule growth and administrative savings.
- GSAR Case 2016-G511, Contract Requirements for GSA Information Systems, will amend the GSAR for contracts that involve GSA information systems to streamline, update, and incorporate existing cybersecurity and other information technology requirements previously implemented through Office of Chief Information Officer (OCIO) policies.

Regulations Which Promote Open Government and Disclosure

GSPMR Case 2016-105-01, Public Availability of Agency Records and Informational Materials; Final Rule. The General Services Administration (GSA) is issuing a final rule to amend its regulations implementing the Freedom of Information Act (FOIA). The regulations are being updated to reflect developments in case law, recent guidance from the Department of Justice – Office of Information Policy for processing FOIA requests, technological advancements in how the FOIA is administered, and to update the cost figures used in calculating and charging search /or review fees. Finally, the revisions to the rule increase the amount of information that members of the public may receive from the Agency without being charged processing fees through proactive agency disclosures.

DATED: July 252019.

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BILLING CODE 6820-14